

In the Claims:

1-39 (cancelled).

Please add the following new claims:

40. (new) A food product server for holding and displaying food products, the product server comprising

- a front customer side,
- a rear employee side,
- a breath guard attached to the product server generally near the front customer side of the product server for pivotal movement between a lowered substantially horizontal position for covering said food products held by the product server and a raised position in which the breath guard is configured to provide a barrier to contamination of the food products by customers on the customer side of the server while allowing access to said food products from the employee side of the breath guard,
- said breath guard being sufficiently transparent to allow viewing of the food products held in the food product server,
- a first extensible and retractable power assist device biased toward a position for applying a lifting force to said breath guard to assist in moving it toward said raised position, and
- a second extensible and retractable power assist device not biased toward a position but operable to resist movement of the breath guard from its raised position to its lowered position thereby providing controlled downward movement of the breath guard.

41. (new) A food product server as set forth in claim 40 wherein the lifting force exerted by said first power assist device on said breath guard has a vertical component which increases as the breath guard is raised.

42. (new) A food product server as set forth in claim 41 wherein the lifting force exerted by the first power assist device is insufficient to lift the breath guard without manual assistance

from its lowered position to a self-rise intermediate position, and wherein the lifting force exerted by the first power assist device is sufficient to lift the breath guard without manual assistance from said self-rise intermediate position to said raised position.

43. (new) A food product server as set forth in claim 40 wherein said product server comprises a cabinet and a frame mounted on the cabinet, said frame comprising a pair of upright side frame members extending up from the cabinet at opposite sides of the frame, said first power assist device comprising a cylinder and a rod having respective cylinder and rod connections with said breath guard and said cabinet, and said second power assist device comprising a cylinder and rod having respective cylinder and rod connections with said breath guard and one of said upright side frame members.

44. (new) A food product server as set forth in claim 40 wherein said second power assist device is positioned toward the front customer side of the product server and the first power assist device is positioned between the second power assist device and the rear employee side of the product server.

45. (new) A food product server as set forth in claim 44 wherein the first power assist device is a gas spring and the second power assist device is a cylinder with a piston having a flow restricting orifice therein.

46. (new) A food product server as set forth in claim 45 wherein said cylinder and rod connections of the first and second power assist devices are ball and socket connections.

47. (new) A food product server as set forth in claim 46 wherein said first power assist device is configured such that the breath guard has a self-rise angle between about ten degrees and about forty degrees from horizontal.

48. (new) The product server as set forth in claim 40 further comprising a cabinet having a counter top surface adjacent the employee side of the product server for the preparation of food orders.

49. (new) The product server as set forth in claim 48 further comprising a cabinet and an upper frame extending up from the cabinet near the front customer side of the product server, said upper frame comprising upright side frame members at opposite sides of the upper frame, and side panels on the upright side frame members at opposite sides of the upper frame, said breath guard being disposed between said upright side frame members and between said side panels when the breath guard is in its raised and lowered positions.

50. (new) A food product server as set forth in claim 49 wherein said upper frame further comprises a shelf spaced above said cabinet, and wherein said breath guard and said first and second power assist devices are disposed entirely below the shelf when the breath guard is in said raised position.